

From: David Morrissey
To: Microsoft ATR
Date: 12/14/01 5:42pm
Subject: Public comment

Hello...my name is David Morrissey.

I am not in favour of this settlement. I am an individual who understands many of the aspects of the computer industry. Within that sphere, I feel that the need for a hasty resolve is not as important as a proper resolve.

This is the aspect of the trial where Microsoft's punishment for breaking the law is being created and myself I would wish to see the following also included as they have all been raised by many voices from many corners of the issues.

1. Microsoft to offer the windows operating system's without additional software included or embedded to OEM's with both:

A) a price difference which reflects the cost of products such as MS Office instead of say 5-20\$ dollars. Example-> if MS office costs 100 dollars...I would like to see the price of the Office free windows OS 100 dollars cheaper.

B) A uniformed contract set up which would prevent MS from favouring or punishing OEM's who choose one variety or "flavour" over another.

My feelings for this are that MS will be limited in it's ability to abuse it's monopoly in the OS market if it is unable to retaliate against manufacturers who wish to either not support Microsoft's other products and or choose to support a competitor's instead.

2. Microsoft must be made to release information required by competitors in a public and universal form in a timely manner. As they are a monopoly they must not be able to choose who may and may not and in what order and when software developers gain access to required Microsoft product information or "hooks" as their called.

3.Details of document file formats of Microsoft programs (Office) must also be made public and universal in a timely manner. If not then fear of another monopoly may prove warranted but unheeded.

4.Microsoft must not be allowed to create proprietary networking protocols which may take away from the internet as a free and open place devoid of the requirement for one company over another. Any new networking protocols Have to be FULLY documented and reviewed by an established Independent body such as tcp/ip is today. This could in effect remove the Open Source movement and competitors such at Linux,

the fastest growing operating system available, from being a viable solution to an Internet virtually inclosed behind a Microsoft yoke.

5. The moniting will last only a few years. What will happen after that is over? I feel that as long as there is a monopoly, then Microsoft should be held in check to prevent it from abusing it's monopoly. Hence the two items should be linked together in some manner where reports of abuse may be investigated where the monopoly abuse issue is called into question.

6. In the punishment stage I do not believe that Microsoft should have a hand in selecting who will be chosen to see that the punishment will be observed... Or to have say in when and where these 3 purposed wardens can go and see within that area. More to the matter, here while the purposed agreement is being reviewed and this request of comments from the general public is being asked for, Microsoft has selected 2 of the people that MS says will oversee that it conforms to the agreement which MS also say through these actions will be agreed to by the DOJ.
<http://www.zdnet.com/zdnn/stories/news/0,4586,5100682,00.html>
This leaves myself feeling that my time in responding to this request for public response carries little to no weight. Big time business and big time government?

7. There is NO penalty being required of Microsoft. They will pay no fines, they will have nothing laid against them. This illegal abuse of it's monopoly has strengthened and benefited Microsoft greatly at the cost of others. And those others will not recover from it or see any of their losses returned to them. Indeed this is more than worth it to MS to continue to break the law in order to break competitors.

8. The ability to embed software which directly competes with competitors such as Internet Explorer, must be removed to prevent effective bundling. MS has the ability to merge into the operating system a number of programs and software which will be paid for via higher OS prices and or license fees as the case may become.

-Microsoft in this matter is not being properly addressed by the purposed agreement. I feel that the public would be better represented by a new sentence which would address the above concerns.

-This company has been mentioned by the Center for Strategic and International Studies as a possible threat to national security. I would like to see it removed from gaining that sort of position. I fail to see how without addressing the above issues this agreement intends to effectively do this.

-This company has also repeatedly made statements and remarks reflecting a goal to be the only operating system available including comparisons to items such as the Open Source movement's Linux to Cancer. It may be well

pointed out at this time that Microsoft is itself funning FreeBSD, a free open source OS, for it's hotmail service as I write this letter.

Thank you for your time and I hope that my time in this letter as well as others writing in will have some voice in this matter. Computers can be very complicated devices, and many people do not carry the level of understanding some of the more technical aspects of the issues dealt with in this case. I hope only the letters you recieve from those who do understand some or much of this case aid in adding weight against this agreement (or as the public opinion may go), and is not just an exercise in public relations.

Sincerly
David Morrissey.